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MARYLAND ASPHALT ASSOCIATION



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March 9, 2023

Senator Melony Griffith, Chair
Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

Senator Guy Guzzone, Chair
Senate Budget and Taxation Committee
3 West, Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 516 – LETTER OF INQUIRY – Cannabis Reform

Dear Chairs Griffith and Guzzone and Members of the Committees:

The Maryland Asphalt Association (MAA) is comprised of 19 producer members representing more than 48 production facilities, 25 contractor members, 25 consulting engineer firms and 41 other associate members. MAA works proactively with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

Senate Bill 516 would establish the initial framework to legalize recreational adult cannabis use, specifically outlining the State's authority to regulate and tax the various elements of the new industry. Of particular interest to MAA is a section setting forth civil protections to be afforded to recreational cannabis users and potential areas of liability for public and private employers.

Without taking a position on the merits of the bill itself, MAA wishes to express concern about some areas that would impact our members—both from the employer and the employee side of the equation—as we strive to ensure worker safety. Our primary concern lies with the bill's lack of properly delineating between what constitutes responsible (i.e., protected) cannabis use and irresponsible cannabis use for which employers can take disciplinary action. While we appreciate the deference given to established employers' drug testing policies, the bill does not provide sufficient guidance on the issue of discipline for cannabis use while on the job. This might not pose much of a safety problem in many jobs around the State, but our members in the transportation construction industry work with some of the largest machinery in the world, so the lives of our employees—and those of every motorist on our roadways—depends on our ability to take appropriate disciplinary action if any of our workers show up under the influence of a mind-altering substance. Unlike with alcohol, there is no universally recognized and scientifically measurable level at which an individual can be declared impaired due to cannabis use, and the unique chemical makeup of cannabis makes it difficult for existing testing solutions to differentiate between current cannabis use and that performed sometime in the recent past. Until a proper standard for impairment can be agreed upon, the safety of Maryland's workplaces will remain in question.

Additional consideration must also be given to the other potentially unforeseen consequences related to the issue of liability for private-sector employers, including the impact on workplace insurance rates, existing agreements with labor unions, and multi-state companies also located in jurisdictions that have not legalized adult recreational cannabis use. MAA understands that the voters of Maryland have had their say on this matter, but Senate Bill 516 requires significant amendments before it should be enacted.

We appreciate you taking the time to address our concerns about Senate Bill 516, and we would be glad to come to the table during any potential work sessions to improve this bill.

Sincerely,

A handwritten signature in cursive script that reads "Marshall Klinefelter". The signature is written in a dark ink and is positioned above the typed name.

Marshall Klinefelter
President
Maryland Asphalt Association